

MILPERSMAN 1300-1200

SAFETY AND EXPEDITED TRANSFERS

Responsible Office	NAVPERSCOM (PERS-833)	Phone:	DSN COM	882-4412 (901) 874-4412
	NAVPERSCOM (PERS-451)	Phone:	DSN COM	882-4185 (901) 874-4185
NAVPERSCOM CUSTOMER SERVICE CENTER		Phone:	Toll Free	1-866-U ASK NPC

References	(a) SECNAVINST 5800.11B (b) OPNAVINST 1752.2B (c) NAVSO P-6034, Joint Federal Travel Regulations (JFTR), Volume 1 (d) BUPERSINST 7040.6B (e) Directive-Type Memorandum (DTM) 11-063 "Expedited Transfer of Military Service Members Who File Unrestricted Reports of Sexual Assault" of 16 Dec 2011 (f) DoDD 6495.01 of 23 Jan 2012 (g) OPNAVINST 1752.1B
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1. Program Background

a. When concerns for the safety and well-being of Service members and or their dependents dictate a permanent change of station (PCS) transfer prior to normal projected rotation date, a safety move (see paragraph 2) or expedited transfer (applicable to Service members who file an unrestricted report of sexual assault, see paragraph 3) may be authorized. This includes, but is not limited to temporary or permanent movement to a unit within the same command, a unit on the same installation, or a unit with a different geographic location. For reservists, a transfer or reassignment includes provisions to perform inactive duty training on different weekends or times than the alleged offender, or with a different unit in the home drilling location to ensure undue burden is not placed on the Service member and their family by a transfer.

b. These programs originated with the transfer of drug informants and have expanded to include Navy personnel, their military spouses, and or their dependents whose lives may be threatened, or those Service members who have made an unrestricted report of sexual assault.

2. **Safety Transfer Request**

a. Situations in which individuals should be considered for a safety transfer include, but are not limited to:

(1) Victims or witnesses of offenses covered under reference (a);

(2) Family Advocacy Program cases covered under reference (b);

(3) Victims of violent crimes; and

(4) Instances in which threats have been made against a Service member, his or her military spouse, or dependents.

b. Safety transfer requests are reviewed and adjudicated by Navy Personnel Command (NAVPERSCOM), Post Selection Board Matters Branch (PERS-833) on their individual merits. Disapproval authority resides with Commander, Navy Personnel Command. Commands may request a safety transfer by contacting NAVPERSCOM (PERS-833) at COM 882-4412 OR (901)874-4412.

c. **Safety Transfer for Dependents Only.** Travel and transportation of dependents are authorized under certain circumstances outlined in reference (c), Articles U5205, U5240, U5370, and U5920. If the member's dependents meet the criteria outlined in the articles above, and they must be moved for personal safety reasons, the personnel office or supporting Personnel Support Detachment of the member's command will issue an authorization letter for travel and transportation on command letterhead, using the basic format in Exhibit 1 (adjust accordingly for exact circumstances). Reference (d), Chapter II, Section IV, Accounting Guide - Officer and Enlisted - Operational (Miscellaneous Travel) and Rotational (Miscellaneous Travel), must be used to build the line of accounting.

3. **Expedited Transfer Request.** Per references (e) and (f), Service members filing an unrestricted report of sexual assault,

as defined in reference (g), must be informed of the option to request transfer from the command to which they are assigned. An expedited transfer of a Service member shall also include his or her dependents and or military spouse, as applicable. Every reasonable effort and consideration should be made to minimize disruption to the Service member's normal career progression. At a minimum, the alleged offender's access to the member who made the report shall be restricted, as appropriate.

a. **Procedure.** The request must be initiated by the Service member in writing, and shall include the member's reason(s) for the request. If a Service member files a restricted report and desires an expedited transfer, he or she must affirmatively change the restricted report to an unrestricted report via DD 2910 Victim Reporting Preference Statement located at <http://dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

b. Upon receipt of a written expedited transfer request, the Commanding Officer (CO) shall:

(1) Document the date and time the transfer request is received. The CO must make a transfer decision within 72 hours of receiving the request.

(2) Determine if the report is credible (i.e., reasonable grounds to believe an offense constituting sexual assault occurred) based on all available evidence and the advice of the supporting legal advisor or counsel. A presumption shall be established in favor of transferring a Service member once a determination has been made that the report is credible.

(3) Consider the following factors in making the decision to approve the transfer:

(a) Service member's reason for request to transfer;

(b) Nature of the offense;

(c) Operational necessity, including situational unique requirements in deployed areas;

(d) Location and possible transfer of the alleged offender instead of the member making the request;

(e) Potential disposition of collateral misconduct;

(f) Status of the investigation and the potential impact on the investigation and future disposition of the offense after consulting with the Naval Criminal Investigative Service and the supporting judge advocate or other legal advisor or counsel concerned;

(g) Requesting Service member's input; and

(h) Other pertinent circumstances outlined in reference (f).

(4) Ensure the member is fully informed regarding reasonably foreseeable impact the transfer or reassignment may have on his or her career, the investigation, and case disposition, initiation of other adverse action against the alleged offender, other possible consequences of granting the request, and that the member may have to return for prosecution of the case.

c. **Approval.** Once the CO makes the decision to approve the transfer, the request, along with the CO's recommendation as to where the member should be transferred, should be forwarded to NAVPERSCOM (PERS-833) where it will be processed and retained on file for a period of 3 years.

d. **Disapproval.** The CO must immediately forward any recommendation for disapproval of an expedited transfer request and the reason(s) for the recommendation, in writing, to the first flag officer in the requesting Service member's chain of command, or Senior Executive Service (SES) equivalent, as applicable.

(1) The Flag officer or SES must decide to approve or disapprove the request within 72 hours of receipt of the command-level disapproval recommendation. If approved, the request shall be immediately forwarded to NAVPERSCOM (PERS-833) where it will be processed and retained on file for a period of 3 years.

(2) Flag officer or SES level disapproved expedited transfer requests shall be forwarded to NAVPERSCOM (PERS-833) where they will be kept on file for a period of 3 years.

e. If at any time the requesting Service member elects not to proceed with an expedited transfer request, he or she shall formally withdraw the request in writing to the CO.

f. References (c) and (d) contain information concerning entitlements and financial guidance.

EXHIBIT 1
AUTHORIZATION LETTER

(Use proper letter format.)

From: Officer in Charge, Personnel Support Detachment _____
(or member's commanding officer)
To: (Rate/warfare designator, first name/middle initial/last name,
Branch, SSN (last four digits))
Subj: AUTHORIZATION FOR TRAVEL AND TRANSPORTATION OF DEPENDENTS INCIDENT
TO UNUSUAL OR EMERGENCY CIRCUMSTANCES
Ref: (a) Member's commanding officer's letter of authorization
(b) Joint Federal Travel Regulations, Volume 1,
Articles U5205, U5240, U5370, and U5920

1. As authorized by reference (a) and per provisions of reference (b),
you are authorized travel and transportation at Government expense for the
following (command sponsored if overseas) dependents:

(List full names)

From _____ To _____
Dependents must complete travel prior to receipt of permanent change of
station (PCS) orders relieving you from your present duty station (PDS).

2. As approved by reference (a), and per reference (b), shipment of your
household goods is authorized upon request. Shipment requested under
these orders must be made in a timely manner consistent with emergency or
unusual circumstances requiring movement of dependents. For additional
information, contact the Personal Property Officer, _____ at
ext. _____.

3. Accounting Data:

4. Your attention is directed to the provisions of reference (b)
concerning reentry of your dependents to (overseas area) and future
entitlement to their transportation at Government expense.

5. Reimbursement for dependents' travel expenses incurred prior to the
date of these orders is not authorized.

J. W. SMITH

Copy to:
NAVPERSCOM (PERS-833/PERS-524)
Member's Command